

AMENDED IN SENATE SEPTEMBER 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 30**

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**Introduced by Assembly Member Price  
(Coauthor: Assembly Member Swanson)**

December 1, 2008

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An act to amend Sections 100, 2102, 2106, 2150, and 2205 of the Elections Code, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

AB 30, as amended, Price. Elections: voter registration.

Existing law authorizes a person who will be 18 years of age at the time of the next election to register to vote by executing an affidavit of registration.

This bill would authorize a person who is at least ~~16~~ 17 years of age and otherwise meets all voter eligibility requirements to submit his or her affidavit of registration. The affidavit of registration would be deemed effective as soon as the affiant would be 18 years of age at the time of the next election.

Existing law requires the local registrar of births and deaths to notify the county elections official monthly of all deceased persons 18 years of age and over whose deaths were registered the preceding month. Existing law further requires the county elections official to cancel the affidavit of registration of a deceased voter.

This bill would require the local registrar of births and deaths to notify the county elections official monthly of all deceased persons ~~16~~ 17 years of age and over whose deaths were registered the preceding month.

This bill would also make conforming changes to existing law.

The above provisions of the bill would become operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.

By requiring local elections officials to process voter registrations submitted by persons ~~16~~ 17 years of age or older, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*This bill would incorporate changes to Section 2150 of the Elections Code made by SB 6, to become operative only if both this bill and SB 6 become operative.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 100 of the Elections Code is amended to  
2     read:  
3     100. (a) Notwithstanding any other provision of law, whenever  
4     an initiative, referendum, recall, nominating petition or paper, or  
5     any other petition or paper, is required to be signed by voters of a  
6     county, city, school district, or special district subject to petitioning,  
7     only a person who is an eligible registered voter at the time of  
8     signing the petition or paper is entitled to sign the petition or paper.  
9     A person who submits his or her affidavit of registration pursuant  
10    to subdivision (d) of Section 2102 is not eligible to sign a petition  
11    or paper unless at the time of the signing of the petition or paper  
12    he or she is 18 years of age.  
13    (b) A signer shall at the time of signing the petition or paper  
14    personally affix his or her signature, printed name, and place of  
15    residence, including the street and number of the place of residence,  
16    and if no street or number for the place of residence exists, then a  
17    designation of the place of residence that will enable the location  
18    to be readily ascertained. A space at least one inch wide shall be

left blank after each name for the use of the elections official in verifying the petition or paper.

(c) The part of a petition for the signatures, printed names, and residence addresses of the voters and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. The petition format shall be substantially in the following form:

Official  
Use  
Only

-	-
(Print Name)	(Residence Address ONLY)
1. _____	_____
-(Signature)	(City)
-	-
(Print Name)	(Residence Address ONLY)
2. _____	_____
-(Signature)	(City)
-	-

Official  
Use  
Only

(Print Name)	(Residence Address ONLY)	
1. _____	_____	
(Signature)	(City)	
(Print Name)	(Residence Address ONLY)	

2.			
	(Signature)	(City)	

SEC. 2. Section 2102 of the Elections Code is amended to read:

2102. (a) A person may not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(1) The affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) or (2) on or before the 15th day prior to the election.

(b) For purposes of verifying signatures on a recall, initiative, or referendum petition or signatures on a nomination paper or any other election petition or election paper, a properly executed affidavit of registration shall be deemed effective for verification purposes if both of the following conditions are satisfied:

(1) The affidavit is signed on the same date or a date prior to the signing of the petition or paper.

(2) The affidavit is received by the county elections official on or before the date on which the petition or paper is filed.

(c) Notwithstanding any other provision of law to the contrary, the affidavit of registration required under this chapter may not be taken under sworn oath, but the content of the affidavit shall be

1 certified as to its truthfulness and correctness, under penalty of  
2 perjury, by the signature of the affiant.

3 (d) A person who is at least ~~16~~ 17 years of age and otherwise  
4 meets all eligibility requirements to vote may submit his or her  
5 affidavit of registration as prescribed by this section. A properly  
6 executed registration made pursuant to this subdivision shall be  
7 deemed effective as of the date the affiant will be 18 years of age,  
8 if the information in the affidavit of registration is still current at  
9 that time. If the information provided by the affiant in the affidavit  
10 of registration is not current at the time that the registration would  
11 otherwise become effective, for his or her registration to become  
12 effective, the affiant shall provide the current information to the  
13 proper county elections official as prescribed by this chapter.

14 SEC. 3. Section 2106 of the Elections Code is amended to read:

15 2106. A program adopted by a county pursuant to Section 2103  
16 or 2105, that is designed to encourage the registration of electors,  
17 shall, with respect to a printed literature or media announcement  
18 made in connection with these programs, contain this statement:  
19 “A person entitled to register to vote must be a United States  
20 citizen, a resident of California, not in prison or on parole for the  
21 conviction of a felony, and at least 18 years of age at the time of  
22 the election. A person may preregister to vote if he or she is a  
23 United States citizen, a resident of California, not in prison or on  
24 parole for the conviction of a felony, and at least ~~16~~ 17 years of  
25 age.” A county elections official may continue to use existing  
26 materials prior to printing new or revised materials required by  
27 any changes to this section.

28 SEC. 4. Section 2150 of the Elections Code, *as amended by*  
29 *Chapter 508 of the Statutes of 2007*, is amended to read:

30 2150. (a) The affidavit of registration shall show:

31 (1) The facts necessary to establish the affiant as an elector.

32 (2) The affiant’s name at length, including his or her given  
33 name, and a middle name or initial, or if the initial of the given  
34 name is customarily used, then the initial and middle name. The  
35 affiant’s given name may be preceded, at affiant’s option, by the  
36 designation of Miss, Ms., Mrs., or Mr. A person shall not be denied  
37 the right to register because of his or her failure to mark a prefix  
38 to the given name and shall be so advised on the voter registration  
39 card. This subdivision shall not be construed as requiring the  
40 printing of prefixes on an affidavit of registration.

1 (3) The affiant's place of residence, residence telephone number,  
2 if furnished, and e-mail address, if furnished. No person shall be  
3 denied the right to register because of his or her failure to furnish  
4 a telephone number or e-mail address, and shall be so advised on  
5 the voter registration card.

6 (4) The affiant's mailing address, if different from the place of  
7 residence.

8 (5) The affiant's date of birth to establish that he or she will be  
9 at least 18 years of age on or before the date of the next election.  
10 In the case of an affidavit of registration submitted pursuant to  
11 subdivision (d) of Section 2102, the affiant's date of birth to  
12 establish that he or she is at least ~~16~~ 17 years of age.

13 (6) The state or country of the affiant's birth.

14 (7) (A) In the case of an applicant who has been issued a current  
15 and valid driver's license, the applicant's driver's license number.

16 (B) In the case of any other applicant, other than an applicant  
17 to whom subparagraph (C) applies, the last four digits of the  
18 applicant's social security number.

19 (C) If an applicant for voter registration has not been issued a  
20 current and valid driver's license or a social security number, the  
21 state shall assign the applicant a number that will serve to identify  
22 the applicant for voter registration purposes. To the extent that the  
23 state has a computerized list in effect under this subdivision and  
24 the list assigns unique identifying numbers to registrants, the  
25 number assigned under this subparagraph shall be the unique  
26 identifying number assigned under the list.

27 (8) The affiant's political party affiliation.

28 (9) That the affiant is currently not imprisoned or on parole for  
29 the conviction of a felony.

30 (10) A prior registration portion indicating whether the affiant  
31 has been registered at another address, under another name, or as  
32 intending to affiliate with another party. If the affiant has been so  
33 registered, he or she shall give an additional statement giving that  
34 address, name, or party.

35 (b) The affiant shall certify the content of the affidavit as to its  
36 truth and correctness, under penalty of perjury, with the signature  
37 of his or her name and the date of signing. If the affiant is unable  
38 to write he or she shall sign with a mark or cross.

39 (c) The affidavit of registration shall also contain a space that  
40 would enable the affiant to state his or her ethnicity or race, or

1 both. An affiant may not be denied the ability to register because  
2 he or she declines to state his or her ethnicity or race.

3 (d) If a person, including a deputy registrar, assists the affiant  
4 in completing the affidavit, that person shall sign and date the  
5 affidavit below the signature of the affiant.

6 (e) The affidavit of registration shall also contain a space to  
7 permit the affiant to apply for permanent vote by mail status.

8 (f) The Secretary of State may continue to supply existing  
9 affidavits of registration to county elections officials prior to  
10 printing new or revised forms that reflect the changes made to this  
11 section by the act that added this subdivision.

12 *SEC. 4.5. Section 2150 of the Elections Code, as amended by*  
13 *Chapter 1 of the Statutes of 2009, is amended to read:*

14 2150. (a) The affidavit of registration shall show:

15 (1) The facts necessary to establish the affiant as an elector.

16 (2) The affiant's name at length, including his or her given  
17 name, and a middle name or initial, or if the initial of the given  
18 name is customarily used, then the initial and middle name. The  
19 affiant's given name may be preceded, at affiant's option, by the  
20 designation of Miss, Ms., Mrs., or Mr. A person shall not be denied  
21 the right to register because of his or her failure to mark a prefix  
22 to the given name and shall be so advised on the voter registration  
23 card. This subdivision shall not be construed as requiring the  
24 printing of prefixes on an affidavit of registration.

25 (3) The affiant's place of residence, residence telephone number,  
26 if furnished, and e-mail address, if furnished. No person shall be  
27 denied the right to register because of his or her failure to furnish  
28 a telephone number or e-mail address, and shall be so advised on  
29 the voter registration card.

30 (4) The affiant's mailing address, if different from the place of  
31 residence.

32 (5) The affiant's date of birth to establish that he or she will be  
33 at least 18 years of age on or before the date of the next election.  
34 *In the case of an affidavit of registration submitted pursuant to*  
35 *subdivision (d) of Section 2102, the affiant's date of birth to*  
36 *establish that he or she is at least 17 years of age.*

37 (6) The state or country of the affiant's birth.

38 (7) (A) In the case of an applicant who has been issued a current  
39 and valid driver's license, the applicant's driver's license number.

1 (B) In the case of any other applicant, other than an applicant  
2 to whom subparagraph (C) applies, the last four digits of the  
3 applicant's social security number.

4 (C) If an applicant for voter registration has not been issued a  
5 current and valid driver's license or a social security number, the  
6 state shall assign the applicant a number that will serve to identify  
7 the applicant for voter registration purposes. To the extent that the  
8 state has a computerized list in effect under this subdivision and  
9 the list assigns unique identifying numbers to registrants, the  
10 number assigned under this subparagraph shall be the unique  
11 identifying number assigned under the list.

12 (8) The affiant's political party preference.

13 (9) That the affiant is currently not imprisoned or on parole for  
14 the conviction of a felony.

15 (10) A prior registration portion indicating whether the affiant  
16 has been registered at another address, under another name, or as  
17 preferring another party. If the affiant has been so registered, he  
18 or she shall give an additional statement giving that address, name,  
19 or party.

20 (b) The affiant shall certify the content of the affidavit as to its  
21 truth and correctness, under penalty of perjury, with the signature  
22 of his or her name and the date of signing. If the affiant is unable  
23 to write he or she shall sign with a mark or cross.

24 (c) The affidavit of registration shall also contain a space that  
25 would enable the affiant to state his or her ethnicity or race, or  
26 both. An affiant may not be denied the ability to register because  
27 he or she declines to state his or her ethnicity or race.

28 (d) If ~~any~~ a person, including a deputy registrar, assists the  
29 affiant in completing the affidavit, that person shall sign and date  
30 the affidavit below the signature of the affiant.

31 (e) The affidavit of registration shall also contain a space to  
32 permit the affiant to apply for permanent vote by mail status.

33 (f) The Secretary of State may continue to supply existing  
34 affidavits of registration to county elections officials prior to  
35 printing new or revised forms that reflect the changes made to this  
36 section by the act that added this subdivision.

37 SEC. 5. Section 2205 of the Elections Code is amended to read:

38 2205. The local registrar of births and deaths shall notify the  
39 county elections official not later than the 15th day of each month  
40 of all deceased persons ~~16~~ 17 years of age and over, whose deaths



1 were registered with him or her or of whose deaths he or she was  
2 notified by the State Registrar of Vital Statistics during the  
3 preceding month. This notification shall include at least the name,  
4 sex, age, birthplace, birth date, place of residence, and date and  
5 place of death of each decedent.

6 The county elections official shall cancel the affidavit of  
7 registration of the deceased voter.

8 SEC. 6. If the Commission on State Mandates determines that  
9 this act contains costs mandated by the state, reimbursement to  
10 local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.

13 SEC. 7. Sections 1 to 6, inclusive, of this bill shall become  
14 operative only if the Secretary of State certifies that the state has  
15 a statewide voter registration database that complies with the  
16 requirements of the federal Help America Vote Act of 2002 (42  
17 U.S.C. Sec. 15301 et seq.).

18 SEC. 8. *Section 4.5 of this bill incorporates amendments to*  
19 *Section 2150 of the Elections Code proposed by both this bill and*  
20 *SB 6. It shall only become operative if (1) both bills are enacted*  
21 *and become effective on or before January 1, 2011, but this bill*  
22 *becomes operative first, (2) each bill amends Section 2150 of the*  
23 *Elections Code, and (3) this bill is enacted after SB 6, in which*  
24 *case Section 2150 of the Elections Code, as amended by Section*  
25 *4 of this bill, shall remain operative only until the operative date*  
26 *of SB 6, at which time Section 4.5 of this bill shall become*  
27 *operative.*